

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

15 CV . 0888

Richard Hardy

(In the space above enter the full name(s) of the plaintiff(s).)

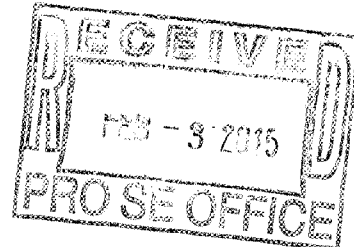
COMPLAINT

-against-

Jury Trial: ☐ Yes ☐ No
(check one)

Police officer s
Johnny Elliot

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Richard Hardy

Street Address

County, City

New York

State & Zip Code

New York 10032

Telephone Number

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Police Officer: Johnny Elliot
 Street Address 421 West 162nd St. Apt. (4th floor)
 County, City Manhattan
 State & Zip Code New York 10032
 Telephone Number _____

Defendant No. 2

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? _____

_____ New York, NY. 10032

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

C. Facts: _____

_____ See attached

What
happened
to you?

Who did
what?

Was anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____

See Attached

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff

Mailing Address

New York, NY 10032

Telephone Number

Fax Number (if you have one) _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Inmate Number

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Richard Hardy

Vs.

COMPLAINT

Jury trial: ☐ YES ☐ NO

Police Officer: Johnny Elliot

Pursuant to Penal law Code:

S 195.00 Official misconduct.

A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit:

1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

2. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a class A misdemeanor.

Official Misconduct;

There are three witnesses to the official misconduct of Police Officer Johnny Elliot:

There was a camera mounted on the side of the building recorded Police Misconduct

Allen is an eye witness his friend was present and saw the Police Misconduct

Richard Hardy, I am an eye witness to the official Police misconduct

A police report was filed on the night of the Official Police Misconduct

My wife Leslie Meilleur Hardy has informed me that Police Officer: Johnny Elliott has told her that he does not like his wife Joann Gary, and is only living with her because of the children.

The last incident was on 2/3/15

Police Officer: Jonny Elliott came to my bedroom window at 6:40 am. With my neighbor saying "Ho yeah Kenny says that he is moving back in to that apartment" I heard my neighbor say in reply "yea trip the hell out of that nigger". I called 911 at 7:00 and was transferred to Internal Affairs Division with a call back number of 2015-2752 this call was taken by investigator Mrs. Riveries. 212-741-8401.

The last incident was on 1/23/2015

Police Officer: Johnny Elliott was in front of my bedroom window complaining about having an affair with my wife although he was addressing another person. When I opened the curtains to see what was all the noise he recognized me and stated "I am not fucking your wife." My reply was "Yeh make yourself a witness I told an old white lady to whom the Police Officer: Johnny Elliott was talking with. I reached for my camera to record the incident but then Police Officer: Johnny Elliott walked away.

6/10/2010

The daughter of Police Officer: Johnny Elliot visited my wife and told me during the visit to watch the relationship between her father and my wife very closely because she suspected that they were having an affair. I did not want to believe this at that time but when I caught them together I had no other choice but to file a police report. A Police Sergeant came out and spoke with Police Officer: Johnny Elliott and told him that if he were to harass this couple again he would be fired

4/2/2014 – 9/30/14

Police Officer: Johnny Elliott would come to our bedroom window and talk to a neighbor next door at her window. Police Officer: Johnny Elliott would be talking to a neighbor and my wife at the same time during these conversations. My wife would position herself at the bedroom window pretending to read a book and listening to these conversations. I found it very strange that she would only want to read a book when he was at the neighbor's window. I then began to stay in the bedroom to listen how Police Officer: Johnny Elliott would talk to both of the ladies at the same time. My wife would also sit on the couch by the window waiting for Police Officer: Johnny Elliot to come home from work he would say sexy words to her as he entered the building. Police Officer: Johnny Elliott would say things like "Send Richard to Jail, your husband is a punk he has been raped; don't sleep with your husband," "Set Richard up" "You broke through your husband". My wife would not allow me to sit beside her because she did not want me to see who she was looking at or waiting for.

My wife and I have been continually harassed by Police Officer: Johnny Elliot coming to our bedroom window and harassing us on New Year night January 1, 2010 and January 2011. The Police were called by a 911 call and when the police showed up to arrest Police Officer: Johnny Elliot showed his badge and was released.

1/1/2010

Police Officer: Johnny Elliott, at 1:00 am was at my bedroom window calling me faggots and punks and that he wanted me to come outside so that he would kick my ass. I arose from my sleep and pulled back the curtains to see two men, a neighbor from the fourth floor: Allen and Police Officer: Johnny Elliott, laughing at me and demanding that my wife must come outside this is the only way that they will stop harassing me and my family. I began to discuss this with my wife and after an argument she decides that this is her house and she must go outside to stop this harassment. When my wife exited the apartment I watched through the window as Police Officer: Johnny Elliot grabbed my wife and fondled her breast and vaginal area and then kissed my wife on the mouth and then pushed her away from him. I was shocked to see such a behavior from a Police Officer drunk and partying on New Year's night. After these incidents my wife would wait at the bedroom window listening for Police Officer: Johnny Elliott's voice pretending to be reading a book. My life became a living hell after I caught my wife and Police Officer: Johnny Elliott together every time that I would confront her about her involvement with Police Officer: Jonny Elliott she would start a fight and call the Police on me.

1/1/2011

I was awakening from my sleep as a noise outside of my window someone kept calling my name "Hey Richard you faggot." And again I hear "Hey faggot send your wife out here she has more balls than you."

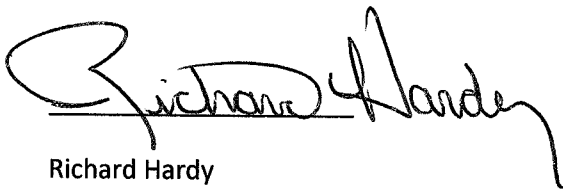
Again I look out my window and two men a neighbor from the fourth floor Allen, and Police Officer: Johnny Elliot, are outside my bedroom window calling me faggots and demanding that my wife Leslie come outside to stop this harassment. I remembered what had happened on the pervious New Year's night. I could see from my window that both men were drunk and still drinking from a fifth of liquor on the ground I could smell marijuana smoke. I motioned the men to go away and then they began to call me faggots and punks and demanding that my wife come out to them. I called my wife over to view these events and then I called the police. When the Police arrived I came outside. I noticed that Police Officer: Johnny Elliot became very nervous and began to move away from Allen his friend. A male Police Sergeant approached and confronted Police officer Johnny Elliott and he pulled out his badge and spoke to the officer in private, after several moments he was let go and then the Police confronted Allen, who was so drunk that he reached on the ground and started drinking in front of the Police Officers.

10/4/2014

Every time that I would confront my wife about Police Officer: Johnny Elliott, she would start a fight with me and call the police on me to condition me not to confront her about anything that I would see them

do. On this day I was very watchful of my wife and Police Officer: Johnny Elliott had placed a funeral reef in front of the building for two weeks because his son was killed. I knew that he and my wife would try to see each other in his grief. For two weeks my wife would not go near the reef and then one this day she heard his voice at the window and rushed to go outside I knew to follow her outside and observe her actions as she lusted over Police Officer: Johnny Elliott. I dare to confront her about this while he was at the reef so; I waited for her to come inside the home. I asked her "Why are you lusting over this man he is married and has destroyed his life don't let his destroy yours." at about nine O'clock she took me outside to the park in front of the building under Police Officer: Johnny Elliott window and cursed me out for an hour. Telling me that "she was going to fuck other men and there was nothing that I was going to be able to do about it." It took me about an hour to calm her down and return home from this day until 10/14/2014 my wife called the police on me at about this man and her lust for him.

Dated: 2/2/2015

A handwritten signature in black ink, appearing to read "Richard Hardy", written over a horizontal line.

Richard Hardy

Public Notary:
